



Oregon Assembly For Black Affairs

P. O. Box 12485
Salem, Oregon 97309
<http://www.oaba.us/>

SB 820 and Black Leaders in Oregon April 2, 2011

I write to you because you are one of the Black Leaders in Oregon and because you are a citizen of Oregon and the United States of America. I write to you because Oregon legislators need to hear from you about **SB 820**. I write to you because of your “learned knowledge” (not formal education) about how Blacks in Oregon, as citizens, do not receive unbiased and effective legal representation from some attorneys licensed by the State of Oregon when these Black Oregonians retained them to handle their legal issues. I write to you because you know from your “learned knowledge” that there is a different between “**attorney’s bias toward you as a client**” and “**attorney’s bias in favor of you as a client**.” I write to you because I know that you know from your “learned knowledge” that Oregon legal system is **NOT** providing **JUSTICE** for some Black people in Oregon and that it needs to be improved.

SB 820 is a bill that is being sponsored in the 2011 Oregon Legislative Session by Senator Frank Morse (R-Corvallis) and Senator Rod Monroe (D-Portland) at the request of the Oregon Assembly for Black Affairs (OABA), Corvallis Branch NAACP, Eugene Branch NAACP, Salem Branch NAACP, Portland Branch NAACP, National Action Network Portland Beaverton Oregon (NAN-PBO), Albina Ministerial Alliance (AMA), and Blacks In Government (BIG).

ORS 9.460 is **a state law** in Oregon that defines the duties of an attorney licensed by the State of Oregon. **SB 820** will **amend ORS 9.460 to read** “An attorney shall ‘**provide unbiased and effective legal representation for all clients**.’” Also **SB 820** gives definitions for these terms. It affects all attorneys licensed by the State of Oregon.

According to ORS 9.310 and ORS 9.320, **only an attorney can represent another person in Oregon courts**. State laws make it difficult for parents to represent their minor children in many cases. Because of this, an attorney licensed by the State of Oregon has a duty as well as an obligation to not let his or her fears, biases or any other personal consideration prevent him or her from providing unbiased and effective legal representation for all clients. An attorney licensed by the State of Oregon does not have to look like the clients in order to handle the client’s legal issue or to provide unbiased and effective legal representation for client.

You may or may not know the purpose of the Oregon Assembly for Black Affairs (OABA). I write to you because many of you have benefited (directly or indirectly) from the work of the Oregon Assembly for Black Affairs (OABA) since 1977. The purpose of the Oregon Assembly for Black Affairs (OABA) is to improve the political, educational, social, **legal**, and economic status of Blacks in Oregon. OABA knows “What Benefits Black Oregonians Benefits ALL Oregonians”, and this does not work in reverse. OABA is an organization for change.

From your “learned knowledge,” you know that the United States has not healed from its history of slavery and racism. Historically, the impact of slavery and racism is embedded in the U.S. legal system with all its secrets to keep White Americans in a superior position and to keep Black American in an inferior position. Nor has Oregon been truly healed from its past of denying Black Americans. Long after the repeals of exclusionary laws in Oregon, the unspoken and unwritten legal practice appears to be that Black Oregonians have no rights that White men are bound to respect. For example, the legal system is one of the institutions in the United States Society and in the Oregon Society that fostered the racial divide in our society; and, one of its components, attorneys, must become a key part of the solutions to removing such divide. The Oregon Supreme Court in its 1994 report confirmed this in many ways.

SB 820 and Black Leaders in Oregon

April 2, 2011

Page 2 of 3

You know from your “learned knowledge” that there are two systems of justice operating in Oregon: One is for Blacks; the other is for Whites. The Oregon Supreme Court, in its “Report of the Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System” dated May 1994, stated: “Nonminorities have brought about many of the problems that minorities encounter and are discussed in this report. Addressing these problems, and ultimately solving them, is the joint responsibility of nonminorities and minorities.” **SB 820** is needed because there are two systems of justice operating in Oregon. One is for minorities; the other is for nonminorities. **Attorney’s bias toward the client** is different from **Attorney’s bias in favor of the client**. Requiring attorneys licensed by the State of Oregon to provide unbiased legal representation for all clients is not problematic nor is it contradictory, as some would want you to believe. **SB 820** does not state that an attorney licensed by the State of Oregon is forced to represent an individual. **SB 820** does not state that the attorneys licensed by the State of Oregon must look like the clients. However, when an attorney licensed by the State of Oregon agrees to represent an individual and that individual becomes a client, the attorney should not allow **biases toward the individual** to prevent him or her from providing the individual **unbiased and effective legal representation**.

I write to you because of one fundamental question that is being raised. Are Black Oregonians too blind (or scared) to use any means necessary to expose, challenge and transform these double legal systems in Oregon? **SB 820** addresses this. From our “learned knowledge” are the histories of the National Bar Association and American Bar Association being lost by the Black Community’s acceptance of these double standards? Also, would knowing that there were times in the United States and Oregon that Black Americans could not be members of the American Bar Association, and that they could not be attorneys or judges help you understand why the Oregon Assembly for Black Affairs (OABA) is seeking an amendment to the Oregon statute that defines the duties of an attorney licensed by the State of Oregon? Also, understanding the impact of integration on the United States Society and the Oregon Society is crucial to this discussion.

“...Integration taught Blacks to go to White schools and not be part of the schools, to live in White communities and not be part of these communities, to out-white White people but not be White. Although integration came, many Black people were made to feel that they were not citizens of the United States. Also integration did not teach Black people how to be citizens of the United States and how to use their citizenship power to uplift themselves, their community collectively and the society as a whole. Integration has not taught the people of the United States to be citizens of the United States and to see all the people of the United States as being one Nation.”

The Oregon Assembly for Black Affairs (OABA) is aware that there are and will be more laws being passed by the United States Congress and state legislatures, as well as local governmental units, that will require licensed attorneys to assist citizens to understand and protect their citizenship rights. From “your learned knowledge,” I believe that you know that passing the laws is not bigger than getting some attorneys to provide the unbiased and effective legal representation to ensure fair and equitable enforcement.

There is a problem that many citizens in the State of Oregon cannot receive unbiased and effective legal representation from some attorneys licensed by the State of Oregon. There is **no state law** that requires attorneys licensed by the State of Oregon to be accountable to all their clients by providing unbiased and effective legal representation when the clients retain these attorneys to handle their legal issues. This problem was revealed to the Oregon Legislative Assembly in the 2007 and 2009 Legislative Sessions. In the future, there will be many life events in which attorneys licensed by the State of Oregon will be required; Oregon citizens need to know that these attorneys licensed by the State of Oregon can provide unbiased and effective legal representation and can be held accountable by state law. Attorneys who can provide unbiased and effective legal representation and who are accountable by state law are essential to Oregon society where citizens can defend their citizenship rights. Without attorneys licensed by the State of Oregon who can provide unbiased and effective legal representation, there is no access to justice. **SB 820** addresses this.

The Oregon Assembly for Black Affairs (OABA) has pointed out the difficulty that Black Oregonians have in obtaining effective legal representation in Oregon, regardless of their ability to pay or their status in society. It is OABA position that Blacks in Oregon receive ineffective legal representation because of fear and racism. OABA corresponded about this problem with many elements of the legal system in Oregon, which include Black attorneys as well as White attorneys, the Oregon State Bar President and Board of Governors, Oregon State Bar Executive Director, Oregon Governor, Oregon Secretary of State, Oregon Attorney General,

SB 820 and Black Leaders in Oregon

April 2, 2011

Page 3 of 3

Oregon Labor Commissioner, Oregon State Supreme Court, Oregon Legislative Assembly, and the deans of law schools in Oregon. Also the news media has been made aware of this problem. OABA believes that you, from your "learned knowledge" agree that there is racism in the legal system in Oregon and that you want to see improvement in it. SB 820 will provide for attorney accountability by statute.

Since improving the legal status of Blacks in Oregon is part of OABA purpose, OABA believes that attorneys licensed by the State of Oregon who can provide unbiased and effective legal representation for all clients are essential to Oregon Society in overcoming racism in its legal system. OABA believes that Attorneys are the key for the U.S. Society and the Oregon Society to change to see all citizens of the United States as being one nation. Attorneys must become change agents who can provide unbiased and effective legal representation for all clients regardless of whether the attorneys look like the clients or regardless of the status of the clients in society or their ability to pay. I write you to because I believe that you agree with OABA concerning the need for attorneys licensed by the State of Oregon to be capable of providing provide unbiased and effective legal representation for all clients.

SB 820 is in Oregon Senate Judiciary Committee. **The time is now to call for A SB 820 HEARING.** I write to you because you are needed to help improve the Oregon legal system so that it will help the Oregon Black Community. **Will you write to members of the Oregon Senate Judiciary Committee members and request that a hearing be scheduled for SB 820?**

Members of the Oregon Senate Judiciary Committee are:

Chair, Senator Floyd Prozanski (D-Eugene)

Email: sen.floydprozanski@state.or.us & Capitol Phone: 503-986-1704

Vice-Chair, Senator Jeff Kruse (R-Roseburg)

Email: sen.jeffkruse@state.or.us & Capitol Phone: 503-986-1701

Senator Suzanne Bonamici (D-Beaverton)

Email: sen.suzannebonamici@state.or.us & Capitol Phone: 503-986-1717

Senator Jackie Dingfelder (D-Portland)

Email: sen.jackiedingfelder@state.or.us & Capitol Phone: 503-986-1723

Senator Doug Whitsett (R-Klamath Falls)

Email: sen.dougwhitsett@state.or.us & Capitol Phone: 503-986-1728

NOW IS THE TIME TO ACT TO CALL for SB 820 HEARING!

Can OABA count on you as a Black Leader in Oregon who want to see improvement in Oregon legal system so that attorneys licensed by the State of Oregon will be required by statute to provide unbiased and effective legal representation for ALL clients? Send an email or make a call to your State Senator and State Representative; urge them to vote for **SB 820!**

Calvin O. L. Henry, Ph.D.

OABA President

<http://www.oaba.us/>

OREGON ASSEMBLY FOR BLACK AFFAIRS is An Organization For CHANGE And Building A Better Oregon for the Black Community. What Benefits Black Oregonians Benefits ALL Oregonians. --- OABA, P. O. BOX 12485, SALEM, OREGON 97309